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E-filed 10/3/06

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

11

STEPHEN LEAL,

Case No. C05-00959 JW

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Plaintiff,

**FURTHER ORDER RE:
PLAINTIFF'S MOTION TO
COMPEL**

13

v.

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OFFICER K. SIEGEL, et al.,

Re: Docket No. 49

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Defendants.

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Plaintiff Stephen Leal brings this excessive force civil rights action against the City of San Jose, the County of Santa Clara, and various law enforcement and correctional officers.

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On September 12, 2006, this court ordered the County to produce for *in camera* inspection all investigative files, including reports, deriving from citizen complaints, sustained or not, regarding any use of force by any officer who allegedly used force against plaintiff. The County was to highlight any portions that it contends warrant redaction. The County did so.

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The court has completed its review of the redacted files. For the most part, the redactions appropriately protect the privacy interests of third party inmates and officers. The great majority of redactions apply to names and other identifying information. The court approves of these redactions of identifying information.

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The court finds, however, that the approximately 25 proposed redactions of medical and

1 health-related information are not necessary to protect privacy, and could limit the utility of
2 these documents for plaintiff. The County's proposals in this area are thus denied. Third-party
3 names and identifying information embedded within a sentence concerning medical issues
4 should remain redacted. Finally, on the page stamped SCC/LEAL00179, the phrase "See
5 original report for details" does not merit redaction.

6 The court ORDERS the County to produce the files to plaintiff's counsel by Friday,
7 **October 6, 2006**, with third-party names and identifying information redacted, but with
8 medical/health information not redacted. Plaintiff's counsel may share these documents with
9 plaintiff's experts, but not with plaintiff or anyone else. All copies shall be returned to
10 defendants at the conclusion of the case. All information generated pursuant to this order shall
11 be used solely for purposes of litigating and/or settling the present lawsuit.

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13 **IT IS SO ORDERED.**

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15 Dated: 10/3/06

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/s/ Howard R. Lloyd
17 HOWARD R. LLOYD
18 UNITED STATES MAGISTRATE JUDGE
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United States District Court
For the Northern District of California

1 THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WILL BE ELECTRONICALLY
2 MAILED TO:

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10 **Counsel are responsible for transmitting this order to co-counsel who have not signed up
11 for e-filing.**

12 Dated: 10/3/06

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14 /s/ JMM
15 Chambers of Magistrate Judge Howard R. Lloyd

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